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UNCLAS SECTION 01 OF 07 ALGIERS 000177

SIPDIS
SENSITIVE

DEPT FOR G/TIP, DS/IP/NEA, DS/ICI/CI, DS/ICI/CR; DEPT OF
JUSTICE FOR ICITAP, OPDAT

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#) [SMIG](#)
ASEC, AG
SUBJECT: ALGERIA: 2009 TRAFFICKING IN PERSONS REPORT

REF: A. ALGIERS 146
[1](#)B. 08 STATE 132759

[1](#)1. (U) The TIP Officer for Embassy Algiers is Ryan
Campbell; tel. (213)-(0)770-08-20-00, ext. 2264; fax
(213)-(0)21-60-73-35; unclassified email:
campbellrt@state.gov. Number of hours spent by rank: 1
hour FE-MC, 2 hours FE-OC, 2 hours FS-02, 15 hours FS-03,
25 hours FS-06, 10 hours FSN.

SUMMARY

[1](#)2. (SBU) Algeria is a transit country for internationally
trafficked persons, primarily from sub-Saharan Africa en
route to Europe. Local NGOs and international
organizations estimate that most trafficking victims enter
Algeria voluntarily as illegal migrants, then become
victims of labor or sexual exploitation in connection with
paying the cost of their passage to Europe. There are no
official sources of information regarding the scope of the
problem, or the number of victims. NGOs and international
organizations estimate that between 5,000 and 9,000 illegal
migrants may have been victims of trafficking.
Security-related constraints on Embassy personnel,
particularly on travel, make it difficult for us to obtain
independent information on trafficking.

[1](#)3. (SBU) The Algerian government enacted new comprehensive
anti-TIP legislation in January 2009. The new law
criminalizes trafficking for the purposes of labor and
sexual exploitation and stipulates prison terms of 3 to 20
years (ref A). Officials said the law was drafted to
conform to the UN Protocol to Prevent, Suppress and Punish
Trafficking in Persons, which Algeria ratified in 2003. In
the past year the government has publicly recognized
trafficking as a problem within Algeria's borders and
passed new anti-TIP legislation. These steps addressed
directly two of the USG's key recommendations concerning
trafficking in persons in Algeria and as such constitute
significant progress in this reporting period. In the
coming year, a new set of benchmarks will be needed to
measure Algeria's progress on implementation of the new law
as well as efforts to investigate and prosecute trafficking
crimes. In order to encourage continued Algerian progress
in combating TIP, and in recognition of the steps taken
this year, we recommend that Algeria be placed on the Tier

2 watch list in the 2009 TIP Report. END SUMMARY.

¶4. (SBU) Begin post response keyed to ref B:

¶23. THE COUNTRY'S TIP SITUATION:

¶A. Embassy sources on TIP include the Algerian government, UNHCR, the Algerian NGO SOS Femmes en Detresse, UNICEF, and the Italian NGO CISP. The government does not have a standardized approach to document cases of human trafficking. The recent adoption of legislation criminalizing TIP might encourage the government to undertake some effort in this regard. NGOs and international organizations have limited resources to document TIP cases and provide only estimates on the scope and methods of trafficking in Algeria based on their work with vulnerable groups such as illegal migrants and victims of domestic violence.

¶B. Algeria is a transit country for internationally trafficked persons, primarily from sub-Saharan Africa en route to Europe, for the purposes of forced labor and commercial sexual exploitation. There is no evidence that children have been victims of trafficking. One local NGO reported that child labor -- street vending and domestic service -- existed (see the 2009 Algeria Country Report on Human Rights for a more detailed discussion). The government adopted an amendment to the criminal code on January 28 that criminalizes TIP and stipulates prison terms of 3 to 20 years and fines up to USD 30,000 for convicted traffickers. This marks a significant change in

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the government's posture on TIP and demonstrates official recognition of the existence of trafficking in Algeria. Reliable statistics are not available from the government or NGOs on the number of potential victims. CISP, an Italian NGO working in Algeria since 1990, estimates there are between 10,000 and 15,000 illegal sub-Saharan African migrants in Algeria, of whom 50 percent are potential trafficking victims. CISP adds that approximately 16 percent of illegal migrants are women, and speculates that many of them are potential TIP victims as well. Using these figures the number of trafficked men could be between 4,200 and 6,300; the number of trafficked women could be between 800 and 1,200.

¶C. CISP reported that the European Union's (EU) recent efforts to stem illegal migration flows have somewhat reduced the number of illegal migrants entering Algeria, lowering the number of individuals most vulnerable to trafficking. A significant number of illegal migrants, however, remain in Algeria. CISP believes that some illegal migrants who fail to reach Europe often choose to return to their country of origin, rather than seek jobs in Algeria. NGOs report that most trafficked persons voluntarily relocate to Algeria, entering the country illegally with the assistance of migrant smugglers who require payment for their services. These persons are then required to work for a time in Algeria to pay off debts and accumulate enough money to fund the next leg of their journey to Europe. Illegal immigrants typically work and live in substandard conditions. However, the Algerian NGO SOS Femmes en Detresse has reported isolated incidences of illegal immigrants receiving medical care without difficulty.

¶D. Illegal migrants in Algeria are most at risk of being trafficked. Illegal migrants have limited legal rights and often must rely on informal networks for employment and social services, thus exposing them to exploitation by criminal groups. Men are generally more at-risk for forced labor exploitation, while women are at higher risk for commercial sex exploitation and domestic servitude. There is no evidence that children are at risk for trafficking. The National Gendarmerie arrested 1,355 illegal migrants in

the southern region of Illizi in late 2008. The National Gendarmerie reported that between January and October 2007 6,000 illegal immigrants were arrested in Algeria. The same report says that 4,500 of the illegal immigrants were repatriated to their countries, while the remaining 1,500 were either freed or jailed for various offenses including drug trafficking, prostitution and robbery.

¶E. We have no official information on criminal networks involved in trafficking, or the methods they employ. Smuggling activities are prevalent in the Algerian south, where the majority of illegal migrants enter the country. According to local NGOs, the southern city of Tamanrasset is the primary hub for migrants attempting to transit north, with Djanet and Illizi as secondary hubs. NGO experts assert that criminal networks of sub-Saharan nationals in Tamanrasset facilitate transit by arranging transportation, forged documents and employment. CISP said these criminal networks likely force some migrants to work off the cost of their onward journey to Europe. CISP indicated that some women are forced into prostitution; male victims are forced into various forms of manual labor.

¶24. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

¶A. The Algerian government acknowledges that trafficking is a problem. In a June 2008 thematic debate on TIP at the UN, a government official stated that Algeria was affected by trafficking in persons and said that Algeria was working bilaterally with its neighbors to deal with illegal migration and TIP in the south. The government enacted legislation in January 2009 that criminalizes TIP. Prior to 2008, the Algerian government had not formally recognized trafficking in persons as a problem and had no specific law

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to address TIP. In general, the Algerian government had previously treated TIP within the context of illegal migration. The government increased the budget for anti-immigration efforts five-fold to 18 billion dinars in ¶2008.

¶B. The Algerian government's point of contact on trafficking in persons is Mohamed Amara, Director General of Judicial and Legal Affairs at the Ministry of Justice. An interministerial group working on TIP is said to exist. However, its findings have not been made public. According to MFA officials, the interministerial group met several times during the past year and was responsible for drafting the new TIP legislation. The interior and justice ministries play key roles in anti-trafficking efforts, with the interior ministry having overall responsibility for the national police and the border police. Responsibility for the gendarmerie falls under the defense ministry. Some wilayas (provinces) that have international borders have organized "Immigration Coordination Committees" to combat illegal immigration in their jurisdictions. In February 2008, the National Gendarmerie announced the creation of "Specialized Maritime Brigades" to combat illegal immigration.

¶C. It is difficult to assess the government's limitations to address trafficking because it is not yet fully sensitized to the issue. There is evidence that trafficking is better understood by some elements in the government, as the new anti-TIP legislation demonstrates. But there is no evidence of a coordinated government-wide effort to take action on it. The new TIP law is an important first step in promoting a broader understanding of the problem. However, efforts are still primarily focused on combating illegal immigration and not trafficking.

¶D. The government does not publish assessments of its efforts to monitor anti-trafficking efforts. The national

gendarmerie does, however, occasionally hold press conferences to highlight major arrests connected with illegal immigrants.

125. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. The parliament amended the Algerian criminal code on January 28 by adding Section 5 bis entitled, "Trafficking in Persons" (reftel). Articles 303 bis 4 - 15 provide a legal definition of trafficking crimes and stipulate prison terms ranging from 3 to 20 years and fines up to USD 30,000. MFA officials said the law was drafted to conform to the definitions contained in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which Algeria ratified in 2003.

The following is an unofficial translation of the articles contained in Section 5 bis:

Article 303 bis.4: Trafficking is considered the recruitment, transportation, transfer, lodging or receiving of one or several persons, through threat, use of force, other forms of constraint, abduction, fraud, abuse of authority or a situation of vulnerability or through the offer or acceptance of payment or benefits in order to achieve the consent of a person having control over another for the purpose of exploitation.

Human trafficking is punishable with 3 to 10 years imprisonment and with a fine of 300,000 to 1,000,000 DA.

When the trafficking is carried out on a person whose state of vulnerability due to age, illness, or physical or mental disability, visible or known to the perpetrator, the penalty is 5 to 15 years imprisonment and a fine of 500,000 to 1,500,000 DA.

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Article 303 bis.5: Human trafficking is punishable by 10 to 20 years imprisonment and a fine of 1,000,000 to 2,000,000 DA, if the offense is committed with at least one of the following circumstances:

--When the perpetrator is the spouse of the victim or a descendant or relative or his/her guardian or has authority over the victim or is a civil servant whose function has facilitated the commission of an offense;

--When an offense is committed by more than one person;

--When an offense is committed by persons carrying weapons, or by persons threatening to use weapons;

--When an offense is committed by an organized criminal group or when the offense is related to transnational crime.

Article 303 bis.6: A person convicted of one of the facts punished under this section does not benefit from the mitigating circumstances set forth in Article 53 of the criminal code.

Article 303 bis.7: A person guilty of an offense provided for in this section shall be convicted of one or many of the penalties set forth in Article 9 of the criminal code (Forfeitures).

Article 303 bis.8: Prohibition on residing on the national territory is issued by the relevant court on a final basis or for the duration of ten years or more for any foreigner convicted of one of the violations set forth in this section.

Article 303 bis.9: A person who, prior to committing a trafficking offense, informs the administrative or legal authorities shall be exempted from the penalty.

The penalty is decreased by half if such an admission takes place after completion or the attempt of committing the violation but before or after the opening of proceedings as long as it allows the arrest of the same violation's perpetrators or accomplices.

Article 303 bis.10: Whoever, even if limited by confidentiality, is aware of a trafficking in persons violation and does not inform the relevant authorities immediately shall be punished by one to five years in prison and a fine of 100,000 DA to 500,000 DA.

In addition to violations committed against children under the age of 13, the provisions of the previous paragraph do not apply to parents, collaterals, and fourth degree relatives of the perpetrator.

Article 303 bis.11: An entity is declared criminally responsible, in the conditions set forth in Article 51 of the criminal code, for violations provided for in this section.

The entity shall undergo the same penalties provided for in Article 18 of the criminal code.

Article 303 bis.12: The consent of the victim is with no effect when the perpetrator uses one of the ways set forth in Article 303 bis 4 paragraph 1 of this law.

Article 303 bis.13: Attempt to commit the offenses provided for in this section shall be punished with the same penalties provided for a completed violation.

Article 303 bis.14: In case of conviction for the violations provided for in this section, the court shall order, subject to the rights of good faith third parties, the seizure of the resources that were used to execute such violations as well as illegally obtained assets.

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Article 303 bis.15: The provisions of Article 60 of the criminal code regarding the security period apply to the violations provided for in this section.

Prior to the enactment of Algeria's TIP legislation traffickers could be prosecuted under section 6 of the penal code, articles 291-293 (which deal with holding and transporting people against their will), and under articles 342 to 349 of Ordinance 66-156 (which deal with prostitution and procurement).

1B. Under article 303 bis.4, the penalty for trafficking in persons for purposes of sexual exploitation is a prison sentence of 3 to 10 years and a fine ranging from \$4,225 to \$15,000 (300,000 to 1 million dinars). For crimes perpetrated against a vulnerable group -- defined as minors, persons with an illness, or handicapped persons -- the prison term is 5 to 15 years and a fine ranging from \$7,000 to \$22,100 (500,000 to 1.5 million dinars). Article 303 5 bis stipulates a prison term of 10 to 20 years and a fine of \$15,000 - \$30,000 (1 million to 2 million dinars) when the perpetrator is a spouse or relative of the victim, when the crime is committed by more than one person, when the crime is committed with the use or threat of arms or coercion, or when the crime is perpetrated by a criminal group or is considered a transnational crime.

1C. Algeria's law specifically prohibits trafficking in persons for labor exploitation and stipulates the same punishments that apply to trafficking for sexual exploitation. Chapter 4 of the Algerian law on foreigners

legally present in Algeria requires employers to declare the number of foreign workers to the police or the National Gendarmerie within 48 hours of hiring. Employers can face fines up to \$11,260 for employing illegal immigrants. Algeria is not a destination country for persons trafficked for labor exploitation. According to local NGOs and UNHCR, some labor exploitation does occur in the case of transiting illegal migrants who are compelled by their traffickers to work off the cost of transit.

¶D. In cases of rape, Article 336 of the penal code provides for a prison term of five to ten years. If the victim is a minor, then Ordinance 75-47 stipulates a prison term of 10 to 20 years. Article 343 of the penal code stipulates prison sentences of two to five years and fines of \$7 to \$281 (500-20,000 dinars) for individuals who help or protect those involved in prostitution, as well as those involved in solicitation. Article 346 of the penal code stipulates prison sentences of two to five years and fines of \$141 to \$1408 (10,000-100,000 dinars) for individuals who provide financial support to places that enable prostitution to occur, such as hotels, restaurants, clubs, etc.

¶E. The government has not prosecuted any cases against human trafficking offenders.

¶F. According to the National Gendarmerie, in 2005 the government created anti-trafficking units within the security services, the effectiveness of which we are unable to verify. In 2006, the National Gendarmerie also established a criminology institute to improve investigation and research methods. In 2008, the National Gendarmerie announced the creation of "Specialized Maritime Brigades" to combat illegal migration. We are not, however, able to verify the content of the training or the specific investigative and research methods used.

¶G. Yes. The Algerian national police (DGSN) and the National Gendarmerie have assigned officers as liaisons to Interpol to work on trafficking in persons. In a June 2008 thematic debate on TIP at the UN, a government official stated that Algeria was working with neighboring countries in the south to deal with illegal migration and TIP.

¶H. The Algerian government does not extradite persons who are charged with trafficking in other countries because

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until recently Algerian law did not reference trafficking in persons. In order for extradition to occur, the crime under Algerian law must be recognized in the Algerian legal code and in the laws of the country requesting extradition.

¶I. We have no evidence of systematic government involvement in trafficking.

¶J. Not applicable.

¶K. Prostitution is illegal throughout Algeria. The laws against prostitution are enforced. The activities of brothel owners/operators, pimps and enforcers are criminalized and the laws are also enforced.

¶L. Algeria contributed a maximum of 13 troops and other personnel to United Nations peacekeeping operations in 2008, according to Global Policy Forum ([http://www.globalpolicy.org/security/peacekpg /data/pko08-1.htm](http://www.globalpolicy.org/security/peacekpg/data/pko08-1.htm)). We have no evidence that any of the 13 were involved in severe forms of trafficking.

¶M. Algeria does not have an identified child sex tourism problem, according to UNICEF representatives.

¶26. PROTECTION AND ASSISTANCE TO VICTIMS:

¶A. The government does not have a protection structure in place to assist victims and witnesses. The government has told us that care facilities for vulnerable people exist and are accessible to trafficking victims. However, the government is unable to tell us if trafficking victims actually make use of the facilities. There are no specialized facilities dedicated to helping victims of trafficking.

¶B. The government has told us that care facilities for vulnerable people exist and are accessible to trafficking victims. However, the government is unable to tell us if trafficking victims actually make use of the facilities. There are no specialized facilities dedicated to helping victims of trafficking.

¶C. The Algerian government does not provide specialized services, protection or formal assistance of any kind to victims of trafficking. However, the government has told us that care facilities for vulnerable people exist and are accessible to trafficking victims.

¶D. As mentioned above, the Algerian government does not provide services, protection or assistance to victims of trafficking per se, according to local NGOs SOS Femmes en Detresse and FOREM. However, SOS Femmes en Detresse has reported isolated incidences of illegal immigrants receiving medical care.

¶E. There are no specialized facilities dedicated to helping victims of trafficking.

¶F. We are unaware of any formal referral process to transfer victims from custody to short-term or long-term care. UNHCR has a small program with SOS Femmes en Detresse to provide basic psychological support to women who are illegal migrants and victims of abuse. UNHCR asserts that some of the women it refers to SOS Femmes en Detresse could be victims of trafficking, but neither organization has the expertise or resources to systematically identify potential trafficking victims.

¶G. Reliable statistics are not available from the government or NGOs on the total number of trafficking victims. Based on assessments from local NGOs, we estimate the number of trafficked men to be between 4,200 and 6,300, and the number of trafficked women to be between 800 and 1,200.

¶H. We are not aware of official mechanisms for identifying trafficking victims under the monitoring procedures

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currently in place. However, immigration and customs officials, border police, the gendarmerie and the military monitor airports, seaports and border crossings in their attempt to prevent illegal immigration.

¶I. Because the government has no standardized approach to document trafficking cases, we suspect that victims are generally treated as illegal immigrants and are subject to detention and deportation.

¶J. There is no formal Algerian government program to encourage victims to assist in the investigation and prosecution of trafficking.

¶K. According to local NGOs, the government does not provide specialized training to government officials in recognizing trafficking or in dealing with the victims of trafficking.

¶L. The government has not published information on the assistance it provides to repatriated nationals.

¶M. CISP, an Italian NGO operating in Algeria, is the one NGO that is dedicated to dealing with trafficking in

persons. CISP does so without official recognition from the government. CISP is tolerated by the government but, like other NGOs, faces the risk of running afoul of the government and having its activities curtailed. The director of CISP's Algeria office nonetheless reported that the organization has met with government officials and that the government has used its reports.

¶27. PREVENTION:

¶A. We are not aware of any government-run anti-trafficking campaigns.

¶B. As noted earlier, the government does not publish assessments of its efforts to monitor anti-trafficking efforts. The National Gendarmerie does, however, occasionally hold press conferences to highlight major arrests connected with illegal immigrants.

¶C. The Algerian government's point of contact on trafficking issues is Mohamed Amara, the Justice ministry's Director General of Judicial and Legal Affairs. An interministerial group working on TIP is said to exist. However, its findings have not been made public. The Interior ministry's Operations Office (La Direction Generale des Operations) deals with trafficking-related matters.

¶D. The government does not have a national plan of action that addresses trafficking in persons specifically. Rather, it deals with trafficking in persons under the auspices of its national plan against criminality, which was approved in 2006 by the Prime Minister's office. Further, since 2006, the government's ongoing Justice Reform Commission has been charged with drafting penal texts that criminalize trafficking in persons.

¶E. According to sources in the Justice ministry, the Algerian government is working on draft laws that will increase the fines and prison terms for individuals involved in prostitution. The National Gendarmerie stated in the press that it has increased efforts to crack down on individuals involved in prostitution.

¶F. Not applicable.

¶G. Not applicable.

¶5. (U) End post response keyed to ref B.
PEARCE